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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,452	09/29/2000	John E. Hershey	016	1304

7590

09/02/2003

McDermott Will & Emery  
600 13th Street NW  
Washington, DC 20005-3096

EXAMINER

PATEL, SHEFALI D

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/672,452

Applicant(s)

HERSHEY ET AL.

Examiner

Shefali d Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3. 6) ☐ Other:

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## **DETAILED ACTION**

### ***Drawings***

1. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

### ***Claim Objections***

2. Claims 15-23 are objected to because of the following informalities: Applicants' uses the word "suite" in line 2 and 3 of claim 15. Examiner suggests using the word "plurality" instead of a "suite" to be more precise. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 12 recites the limitation "the environment" in line 3 of claim 12. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-3, 6, 10, 13-16 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barton (USPN 5,646,997).

With regard to **claim 1** Barton discloses a method for steganographically combining data (embedding data in an original bit stream is combining original bit stream with the data, See col. 4 lines 44-46) comprising the steps of: acquiring first data via a data source (acquiring a “digital block”; the data source is either a scanner, video or audio device for scanned image, video image or an audio signal, respectively. See, col. 5 lines 58-62); acquiring from the data source meta-data associated with the acquired first data (obtaining an authentication stamp about the digital block that contains a digital object. See, col. 5 lines 62-67. Note, the authentication stamp includes additional data referred to “meta-data” See, col. 6 lines 2-6); and combining the acquired first data and the acquired meta-data into steganographic data (combining meta-data into a digital block, See, col. 6 lines 51-60) wherein a difference between the steganographic data and the acquired first data is imperceptible (embedding a data into a data stream (authentication stamp into a digital block) is done in such a way that the difference is imperceptible to a human being. See col. 4 lines 52-57 and col. 5 lines 6-9).

**Claim 15** recites identical features as claim 1 except claim 15 is a device claim. Thus, arguments similar to that presented above for claim 1 is equally applicable to claim 15. Note: Barton discloses having an apparatus (i.e., a device) to the invention (see, col. 5 line 58) and this apparatus is described by referring to Fig. 3 and under section “Hardware Encoding” at col. 9 line 46. Barton discloses that the encoding steps are implemented in an electronic hardware for application such as cameras, video recorders, and cable converters (note, these applications inherently includes sensors) (See, col. 6 lines 11-14).

With regard to **claim 2** Barton discloses a storing step to store the data (storing a compressed version of bits, See, col. 9 lines 4-7).

With regard to **claim 3** Barton discloses a storing step to store the data as claimed in claim 2. It is inherent to have the storing device (i.e., a memory) being coupled with the data source (the data source is a scanner, video or audio device for scanned image, video image or an audio signal, respectively. See, col. 5 lines 58-62.) in order to transfer the data from one device to another for storing purpose and later for retrieving the data for further use.

**Claim 16** recites identical features as claim 3 except claim 16 is a device claim. Thus, arguments similar to that presented above for claim 3 is equally applicable to claim 16.

With regard to **claim 6** Barton discloses the step of combining producing one (or more) steganographic data combinations (combining the acquired first data (i.e., digital block) and the acquired meta-data into steganographic data, See, col. 6 lines 51-60).

With regard to **claim 10** Barton discloses at least a portion of the acquired meta-data being related to information received from a user (See, col. 6 lines 2-6).

With regard to **claim 13** Barton discloses a step of (pre-processing the meta-data by hashing the meta-data), encrypting the meta-data (see, col. 7 lines 14-16), (or encrypting the hashed meta-data).

With regard to **claim 14** Barton discloses acquiring first data and meta-data as discussed above in claim 1. Barton discloses the first data and the meta-data are acquired at approximately the same time (i.e., in parallel as seen in Fig. 1). Meta-data is acquired about an image right after the first data of the image, i.e., approximately at the same time (see, col. 5 lines 62-67).

With regard to **claim 19** Barton discloses a step of receiving information from a user of the device at col. 6 lines 2-6. It is inherent that a user interface is configured to receive the information since Barton discloses receiving information from the user.

With regard to **claim 20** it is inherent that the user at col. 6 lines 2-6 configures one (or more) kind(s) of input devices to interact with the user interface since Barton discloses supplying the data from the user.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton.

With regard to **claim 9** Barton discloses acquiring meta-data from a data source (obtaining an authentication stamp about the digital block that contains a digital object. See, col. 5 lines 62-67. Note, the authentication stamp includes additional data referred to “meta-data” See, col. 6 lines 2-6. The data source is a scanner, video or audio device for scanned image, video image or an audio signal, respectively. See, col. 5 lines 58-62.). Barton does not expressly disclose that acquiring meta-data is completed before acquiring another first data. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to acquire the meta-data associated with the acquired first data before acquiring another first data in order to keep track of particular meta-data belonging to particular data. By acquiring a meta-data

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of the first data before acquiring another first data, one has the accurate meta-data that belongs to the first data and so on.

**Claim 22** recites identical features as claim 9 except claim 22 is a device claim. Thus, arguments similar to that presented above for claim 22 is equally applicable to claim 22.

10. Claims 4-5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Cass et al. (USPN 5,946,414).

With regard to **claim 4** Barton discloses a storing step to store the data as disclosed in claim 2. However, Barton does not expressly disclose storing a data at a location remote from the site where the first data and meta-data are acquired. Cass et al. (hereinafter, "Cass") discloses storing a data at a location remote from the site where the first data and meta-data are acquired (See, col. 35 lines 22-32 and col. 36 lines 1-5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store the data at a location remote from the site where the first data was acquired in order to communicate with the opposite party which reduces cost and obtain results in timely-fashion.

**Claim 5** recites identical features as claim 4. Thus, arguments similar to that presented above for claim 4 is equally applicable to claim 5.

**Claim 21** recites identical features as claim 5 except claim 21 is a device claim. Thus, arguments similar to that presented above for claim 21 is equally applicable to claim 21.

11. Claims 11-12, 24-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Chow et al. (USPN 6,292,092).

With regard **claim 24**, the recited features are the same as those in claim 15, and the arguments in paragraph 7 above as to the relevance of Barton are incorporated herein. However, claim 24 more precisely defines the type of image that is being acquired. Barton does not expressly disclose image being an electro-optical image. However, Chow et al. (hereinafter, "Chow") teach that the image is acquired by an electro-optical means at col. 6 line 37. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chow with Barton. The motivation for doing so is that the electro-optical image has a low contrast when converting a scanned picture to black and white. Thus, in order to reduce the resolution for encoding/decoding systems the image should be acquired by electro-optical means, as suggested by Chow at col. 6 lines 27-39. Therefore, it would have been obvious to combine Chow with Barton to obtain the invention as specified in claim 24.

**Claim 25** recites identical features as claim 3. Thus, arguments similar to that presented above for claim 3 is equally applicable to claim 25.

With regard to **claims 28 and 29** Barton discloses a display area to display information related to the meta-data and the steganographic data (See, col. 5 lines 20-24). Note, since Barton teach of displayed image, it is apparent that Barton has a display means to display the images.

With regard to **claim 30** Barton discloses acquiring meta-data related to one (or more) of (camera angle, geographical location, environmental conditions, data and time), image subject identification at col. 6 lines 2-6 (and image parameter settings). Note, here image subject identification is supplied by the user referred to as a meta-data.

With regard to **claim 11** Barton discloses acquiring the first data from an image (acquiring a digital block, See col. 5 lines 58-62). Barton does not expressly define the image to



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be an electro-optical image produced by a component of digital camera. However, Chow discloses the image to be an electro-optical image captured by an electro-optical means, i.e., a digital camera (See, col. 6 line 37).

With regard to **claim 12** Barton discloses the meta-data relating to one (or more) of identification of the acquired image, (parameter settings of the digital camera, the environment in which the image is acquired, and a spatial description of the camera.) (one or more of identification of the acquired image is related to the meta-data as disclosed at, col. 6 lines 2-6).

12. Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Chen et al. (USPN 6,233,347).

With regard to **claim 7** Barton discloses a step of combining producing one (or more) steganographic data combinations as disclosed in claim 6 (see, col. 6 lines 51-60). However, Barton does not expressly disclose evaluating each of the one or more steganographic data combinations to determine the one combination that most closely matches the acquired first data. Chen et al. (hereinafter, "Chen") discloses evaluating each of the one (or more) steganographic data combinations (evaluating data combinations for the first and second group. See, col. 12 lines 21-30) to determine the one combination that most closely matches the acquired first data (the first and second groups are the closest one to match with the host signal. See, col. 12 lines 30-39). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chen with Barton. The motivation for doing so is that by having a combination of the steganographic data, one can compare to obtain the closest match

with the original image for an accurate and non-faulty result. Therefore, it would have been obvious to combine Chen with Barton to obtain the invention as specified in claim 7.

With regard to **claim 8** Chen discloses repeating the step of combining at col. 48 lines 44-49.

**Claim 17** recites identical features as claim 7 except claim 17 is a device claim. Thus, arguments similar to that presented above for claim 7 is equally applicable to claim 17.

With regard to **claim 18** Chen discloses a figure-of-merit tester (i.e., embedding computer system 110A in Fig. 2A including an information embedder) configured to determine one of the one or more steganographic data combinations that differs the least from the acquired data (See, col. 12 lines 20-45 and computer systems 110 at col. 13).

13. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Chow as applied to claims 24-25 above, and further in view of Chen et al (USPN 6,233,347).

With regards to **claims 26-27**, the recited features are the same as those in claims 17-18, and the arguments in paragraph 11 above as to the relevance of Chen are incorporated herein.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Honsinger et al. (USPN 6,278,791 B1).

With regard to **claim 23** Barton discloses the meta-data comprising encrypted meta-data portions (see, col. 7 lines 14-16). Barton does not expressly disclose the meta-data comprising hashed and encrypted meta-data portions. However, Honsinger et al. (hereinafter, "Honsinger")

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discloses the meta-data comprising both hashed and encrypted meta-data portions (see, col. 6 lines 64-67 and col. 9 lines 12-17). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Honsinger with Barton. Honsinger and Barton are combinable because they are from the same field of endeavor, i.e., embedding data. The motivation for doing so is that by having both hashed and encrypted portion of the meta-data, additional security is provided using a strong system prior to the embedding process as taught by Honsinger at col. 6 lines 64-67. Therefore, it would have been obvious to combine Honsinger with Barton to obtain the invention as specified in claim 23.

15. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Chow as applied to claim 24 above, and further in view of Honsinger.

With regards to **claim 31**, the recited features are the same as those in claim 23, and the arguments in paragraph 13 above as to the relevance of Honsinger are incorporated herein.

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6427020 B1 – Methods and devices for recognizing banknotes and responding accordingly, See abstract.

USPN 6549922 B1 – System for collecting, transforming and managing media meta-data, see Fig. 1 elements 113, 111, 115 and 116 and col. 2.

USPN 5867118 – Apparatus for and method of classifying patterns, see col. 5 lines 62-67 to col. 6 lines 1-28.


USPN 5949055 – Automatic geometric image transformations using embedded signals, see col. 18 lines 19-65.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali d Patel whose telephone number is 703-306-4182. The examiner can normally be reached on M-F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Shefali Patel  
August 13, 2003

  
Daniel G. Mariam  
Primary Examiner  
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